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JOHN KENNETH AMICK  
980 N.W. 49TH WAY  
COCONUT CREEK, FL 33063

EXAMINER

VU, TUAN A

ART UNIT                      PAPER NUMBER

2124

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/556,439

Applicant(s)

AMICK, JOHN KENNETH

Examiner

Tuan A Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 7/14/2004.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4)  Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-31 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 24 April 2000 is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a)  All    b)  Some \*    c)  None of:
- Certified copies of the priority documents have been received.
  - Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- Notice of Informal Patent Application (PTO-152)
- Other: \_\_\_\_\_

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### DETAILED ACTION

1. This action is responsive to the Applicant's response filed 7/14/2004.

As indicated in Applicant's response, no claims have been amended. Claims 1-31 are pending in the office action.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13, 16-23, 26, and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnhouse et al., USPN: 6,393,476 ( hereinafter Barnhouse), in view of DEC (no author), "DEC Computer Integrated Telephony (CIT) Applications Interface for VMS Programming", October 1991, Version 2.1 ( hereinafter CIT-DEC).

As per claim 1, Barnhouse discloses a method for configuring a communication system having a CALL PULL-BACK mechanism ( Note: CALL PULL-BACK is interpreted as a mechanism comprising the steps of populating, selecting, configuring, mapping and performing as below), such method comprising:

populating a digital repository with preprogrammed software objects (e.g. *collection of operations ... managed objects and service testing* - col. 10, lines 21-67; *MOCE 230* - Fig. 13);

selecting a subset of the preprogrammed software objects from the repository (e.g. Fig. 15);

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configuring the subset of preprogrammed objects with user selection so as to implement predetermine functions when executed by a processor (e.g. Fig. 13-14; *select configuration 452* – Fig. 15; Fig. 17; *service control, call control, Bearer control* Fig. 6; *store\_and\_forward a* – Fig. 10– Note: the configuration in the MOCE performed by the developer to adapt to context and object type is equivalent to customizing objects with user parameters and predetermined functions as shown in Fig. 6 & 10 are equivalent to predetermined functions);

mapping the predetermined functions to corresponding operating system inputs (e.g. col. 11, lines 33-45; Fig. 7; *keys on the telephone* - col. 15, line 64 to col. 16, line 7); and

performing the predetermined functions when initiated by the corresponding operating system inputs (e.g. Fig. 12; col. 15, line 64 to col. 16, line 7).

But Barnhouse does not specify that configuring the subset of preprogrammed objects is customizing the subset of preprogrammed objects with user-defined parameters. Barnhouse discloses the user intervention in selecting and configuring the objects or reuse framework (e.g. Fig. 12; col. 13, line 14 to col. 14, line 25; col. 18, lines 45-64) to accommodate the service objects identified by user initiated call events ( Fig. 11) , hence suggests customizing the service functions via events and call instances leading to the identification of service objects to assemble. The customizing of software modules or objects according to developer or user's specified parameters are further evidenced by CIT-DEC, which, in an application development interface to process telephone calls analogous to the MOCE by Barnhouse, discloses the passing of arguments and defining of types (e.g. ch. 1.3.4, 2.1-2.5) to specify call processing functionality via a development toolkit. It would have been obvious for one of ordinary skill in the art at the time the invention was made to provide, in case it has not already been provided,

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the customizing of software objects or programs according to the call processing functionalities using developer or user defined parameters as suggested by CIT-DEC to the configuration or objects linking process as suggested by Barnhouse because this would enable the fulfilling of a desired customer's configuration or application by means of interface enabling user or developer's parameters definition to be inputted.

**As per claim 2**, see Barnhouse (col. 6, lines 30-48; Fig. 5) ( Note: the call processing processor and communication interface are equivalent to predetermined functions associated with the functionality of CALL PULL-BACK mechanism).

**As per claim 3**, Barnhouse discloses documentation associated with objects, hence predetermined functions in the repository ( e.g. col. 10, lines 28-34).

**As per claim 4**, Barnhouse does not disclose including user defined parameters in documentation drawings, but official notice is taken that documentation with drawings in a programming environment, such as modeling, or software configuration framework including specified parameters by the users was a well-known concept in the art at the time of the invention. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide user parameters as part of the drawings in the documentation as taught by Barnhouse for this would enable better understanding on relationships between the user's specifications and the objects which are assembled or documented for fulfilling the functionality based on those specifications or parameters.

**As per claim 5**, Barnhouse does not explicitly disclose packaging of preprogrammed objects as a consumer product but suggests distribution of functions to network resources or customer systems with interface to activate those functions ( e.g. col. 9, lines 9-46); and Java

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portable and easy-to-manipulate applications code or toolkit (e.g. col. 13, lines 23-47). The making of software object modules into a package or toolkit to be installed and activated on the customer deploying environment is also evidenced by the CIT-DEC development interface as mentioned above ( e.g. *Installation and Configuration ...* - chapter: Associated Documentation). It would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the preprogrammed objects as taught by Barnhouse via the above suggestions in form of customer installable product as taught by CIT-DEC because this would enable the efficient distribution to users of program functions customized for their needs as intended by Barnhouse.

**As per claim 6**, this claim would have been obvious in light the rationale as set forth in claim 5 above for a product as mentioned above is definitely made to induce a purchase by or be offered for sale to a consumer.

**As per claims 7 and 8**, official notice is taken that a software product being stored in a computer-readable medium ( re claim 7) and providing documentation ( re claim 8) with a delivered product were well-known concepts at the time of the invention; hence, in the light of the rationale as set forth in claim 5, this computer readable medium would also have been obvious because of such medium would enable the distribution and usage of the product more efficiently and providing documentation would also have been obvious because a product needs to have an documentation associated thereto to inform the user as much as possible.

**As per claim 9**, official notice is taken that offering a product for sale with advertising over the internet was a well-known concept at the time of the invention; hence, in the light of the rationale as set forth in claim 6, this advertising over the internet limitation would have been also been obvious because advertising a product would facilitate much further the sale of such

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product, especially when the product is distributable via the internet as suggested by the Barnhouse from above.

**As per claim 10**, Barnhouse discloses a configurable communications system, comprising: a digital repository populated with preprogrammed software objects (e.g. *collection of operations ... managed objects and service testing* - col. 10, lines 21-67; *MOCE 230* - Fig. 13) configured to perform predetermined functions configurable by the user when executed by a processor (e.g. *select configuration 452* – Fig. 15; Fig. 17; *service control, call control, Bearer control* Fig. 6; Fig. 12); input devices configured to receive the user parameters (e.g. col. 13, line 14 to col. 14, line 25 – Note: reuse and framework are providing elements to an developing environment in which user parameters are inputted in the building of code); the processor (e.g. *ICP* – Fig. 5) ; and computer medium ( e.g. terminal 52, Fig. 5) encoded with instructions to implement a call processing mechanism to perform the predetermined functions (e.g. col. 6, lines 35-42; Fig. 11-12).

But Barnhouse does not specify the configuration system is configuring objects to perform functions that are customized or customizable by user defined parameters. But this limitation has been addressed in claim 1 above, hence is rejected herein with the rationale as set forth therein.

**As per claim 11**, see claim 2.

**As per claim 12**, Barnhouse does not specify a database being hosted by one computer readable medium and a printed document, but in view of the rejections of claims 4-5 and 7-8 related to storing documentation in product stored in a readable medium, the storing of a repository of preprogrammed objects for distribution to a consumer would have been an obvious

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variation of the combined limitations in claims 4-5 and 7-8, hence is rejected herein using the corresponding rationale as set forth therein.

**As per claim 13**, Barhouse discloses call processing with provision for multi-media messaging ( e.g. col. 15, lines 47-51).

**As per claim 16**, Barnhouse discloses a computer program product, comprising: a computer storage medium and a computer program embedded therein to implement a call processing system (e.g. *terminal 52* ; *ICP* - Fig. 5; col. 6, lines 35-42), such program code comprising:

a first computer code configured to create a library of preprogrammed software objects capable of performing predetermined functions (e.g. *libraries 264, 266* – Fig. 7);

a second code configured to store the library of preprogrammed software objects in a digital repository (e.g. *collection of operations ... managed objects and service testing* - col. 10, lines 21-67; *MOCE 230* - Fig. 13; Fig. 7);

a third code configured to select a subset of the preprogrammed software objects from the repository based on a pre-selected portion of the predetermined functions (e.g. Fig. 15 – Note: each type or configuration is equivalent to only a subset of predetermined functions for which objects are being collected);

a fourth code configured to configure the selected preprogrammed software objects based on the user calling instances and events (e.g. Fig. 15; col. 17, line 10 to col. 18, line 26); and

a fifth code configured to process calls based on the preprogrammed software objects as configured with the user calling instances and events (e.g. Fig. 12; col. 17, line 10 to col. 18, line 26).



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But Barnhouse does not specify that the fourth code is to customize the selected preprogrammed software objects based on user defined parameters; nor does Barnhouse specify that the fifth code is to process preprogrammed software objects as customized by user defined parameters. But the use of development interface to input user parameters for customizing the functionalities of a program object code to implement a call processing has been suggested by Barnhouse in claim 1 and further evidenced by CIT-DEC therein; hence the above limitations would be rejected herein using the same rationale as set forth there in claim 1 above.

**As per claim 17**, see claim 2.

**As per claim 18**, Barnhouse discloses a database ( e.g. *database 230* – Fig. 5).

**As per claim 19**, refer to claim 10 for similar rejection.

**As per claim 20**, this claim is equivalent to the limitation of claim 17, above; hence is rejected herein likewise.

**As per claim 21**, Barnhouse discloses communication attributes (e.g. *session identifier rates, protocol SS7* – col. 14, lines 29-59; *attributes of resources* - col. 16, lines 8-27; Fig. 9-10 – Note: every subdivision within a communication class of Fig. 9-10 suggests an attribute for connectivity and/or call processing service) and use of programming environment to create class for services ( e.g. Fig. 8) but does not specify that these are user defined parameters. But in view of the teachings by CIT-DEC to define parameters in creating call processing functionality programs as mentioned in claim 1 above, the user's defining limitation would have been obvious using the same rationale as set forth in the corresponding rejection in claim 1, i.e. such user defined attributes would better accommodate the user connection and request for telephony service connection via means to import the user's specified preferences.

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**As per claim 22**, this claim is the system claim corresponding to claim 1 above, including means to perform the same limitations steps as recited in claim 1; hence is rejected herein with the same grounds as set forth therein.

**As per claim 23**, refer to claim 2.

**As per claim 26**, Barnhouse discloses locking a bandwidth via call blocking (e.g. *call block 294 - Fig. 9*).

**As per claim 28**, Barnhouse discloses control on numbering ( e.g. *look up for a number - col. 17-26*) and forwarding (e.g. col. 15, lines 47-64; col. 17, lines 20-29) from edges devices near or at customer premises ( Note: the managed objects as disclosed by Barnhouse telephony call control system implies the monitoring of call number and forwarding typical in a network management system ).

**As per claim 29**, Barnhouse discloses record keeping of client's configuration of the subset of preprogrammed objects (e.g. col. 13, lines 23-47; col. 13, lines 18-64 – Note: the configuring or modeling of objects using tools being stored in the repository for reuse is equivalent to record keeping of each developer's configuration instance).

**As per claim 30**, Barnhouse does not disclose documenting spoken verbiage or member information in the configuration environment but teaches the SLEE for authoring the preprogrammed objects (e.g. col. 7, lines 33-35). Official notice is taken that in an software developing environment with configuration as suggested by both Barnhouse and CIT-DEC, the developer information as well as developer's comments being recorded for being part of the configuration management was a known concept in the art at the time of the invention. Hence, it would have been obvious for one of ordinary skill in the art at the time the invention was made

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to include to Barnhouse's system (with the teachings by CIT-DED) the developer's comments and personal identification because these would enable tracking the author to the configuration state of the preprogrammed objects, thereby enhance code modifications control or integrity checking.

**As per claim 31**, refer to claim 3 for corresponding rejection.

4. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnhouse et al., USPN: 6,393,476 , in view of DEC ( no author), "DEC Computer Integrated Telephony (CIT) Applications Interface for VMS Programming", as applied to claim 10, and further in view of Underwood, USPubN: 2003/0016675 ( hereinafter Underwood).

**As per claim 14**, Barnhouse does not disclose a communication for receiving data over a Sonet Ring and a meshed network. The communication over the network involving a Sonet Ring or a meshed network is not unknown to the art at the time the invention was made. Underwood, in a method to implement telephone switching and call processing analogous to Barnhouse, discloses communication over a Sonet ring (e.g. paragraph 0004; Fig. 8) and a meshed network (e.g. paragraph 0025; Fig. 1-2). It would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the functionalities of the call processing system as taught by Barnhouse with the capabilities to communicate over a Sonet Ring or a meshed switching network as taught by Underwood, because this would extend the call processing system by Barnhouse so as to be able to interconnect optical network as well as non-hierarchical or meshed network.

**As per claim 15**, again it is Underwood to come up with configuring the mesh and Sonet ring network with ATM as a transport for packet traffic (e.g. Fig. 1,2). And the motivation for

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Barnhouse to obviously provide such ATM based transport for network communication as suggested by Underwood would be the same as that used in the rationale set forth in claim 14 above, since ATM is known to be more compatible with mesh network and Sonet-based links.

5. Claims 24-25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnhouse et al., USPN: 6,393,476 , in view of CIT-DEC ( no author), "DEC Computer Integrated Telephony (CIT) Applications Interface for VMS Programming", as applied to claim 22; and further in view of Garner, USPN: 6,411,806 ( hereinafter Garner).

**As per claims 24 and 25**, Barnhouse does not specify disaster resistant communications nor does Barnhouse disclose transporting between traffic when an outbound footprint is exceeded. Official notice is taken that at the time of the invention the telecommunications technology has evolved to include wireless communications and this was a known concept in the telephony industry. Further, Garner, in a system to configure mobile communications between users using routing techniques analogous to the call processing and intelligent switching system by Barnhouse ( see Barnhouse: Abstract, Background of invention; Fig. 5 ), discloses a fault tolerant a computer network with fault tolerant features and outbound signaling channels (e.g. col. 5, lines 15-20; Fig. 5; col. 8, lines 43-48 ). It would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the disaster resistant features and the outbound rerouting as suggested by Garner and well-known concepts to Barnhouse intelligent call routing and switching network. The motivation is that these two features would further enhance the sturdiness of the system by Barnhouse to provide the intelligent processing of telephony connection and data transmission request, more particularly when such processing is extended to cover wireless communications as suggested by Garner.

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As per claim 27, Barnhouse discloses migration to an ATM communications (e.g. col. 9, lines 47-63) but does not teach tearing down of a ATM cloud as claimed whereas Garner teaches remote switching with asynchronous mode (e.g. col. 37, lines 60-67). At the time of the invention, official notice is taken that it was a well-known concept that a connection is determined to be a invalid if it is being determined to end on the same point from which it originates. Hence, in the event that Barnhouse establishes an ATM network as suggested by Garner from above to cover mobile communications call processing ( re claim 24-25), it would have been obvious for one of ordinary skill in the art at the time the invention was made to invalidate any wireless call that would end on the same concentrator it originates from, and take away the ATM connection related to such wireless cloud connection as suggested by known concept and by Garner teachings and apply this to Barnhouse's method because this would enhance optimization of network resources or bandwidth allocation for ATM-based call processing by Barnhouse, more particularly when such processing is extended to cover wireless communications in the ATM network as suggested by Garner.

***Response to Arguments***

6. Applicant's arguments filed 7/14/2004 have been fully considered but they are not persuasive. Following are the observations and whenever apply, the corresponding response to the main points brought forward by the Applicant.

(A) First, based on the general nature of the argumentation exhibited in the course of most of the Applicant's remarks, it is deemed that some general comments or suggestions are in order, even though these are not instructions directed to dictate any required action imposed on the Applicant, nor do they express any lack of effort or good faith from the Applicant in assisting the

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Office for prosecuting the case. As a helpful suggestion, Applicant is advised to give the following some consideration:

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Concerning the official correspondence related to the case, it is also significant that Applicant be informed of this potential situation when some official document has been undersigned by a person not on record. As a helpful suggestion, Applicant is advised to give the following some consideration, should a legal representative be appointed for the prosecution of the case.

An examination of this application reveals that applicant has attempted to appoint an attorney or agent who is not registered to practice before the U.S. Patent and Trademark Office, contrary to the Code of Federal Regulations, 37 CFR 1.31. Therefore, the appointment is void, *ab initio*. We will not recognize the appointment and all correspondence concerning this application must be signed by: 1) all named applicants (inventors), 2) all the owners of the rights to the invention, or 3) a registered attorney or agent duly appointed by the inventor(s) or the owner(s). Furthermore, all communications from the Office will be addressed to the first named inventor, unless specific instructions to the contrary are supplied by the named inventor(s) or owner(s).

While an applicant may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is, therefore, encouraged to secure the services of a registered patent attorney or agent (i.e., registered to practice before the U.S. Patent and Trademark Office) to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution.

The Office cannot aid you in selecting a registered attorney or agent, however, a list of attorneys and agents registered to practice before the U.S. Patent and Trademark Office is available from the USPTO web site, <http://www.uspto.gov>. For assistance locating this information contact the Office of Enrollment and Discipline at (703) 306-4097 or, call the Inventors Assistance Center toll free number, 1(800)786-9199.

(B) Concerning the arguments pointed out by Applicant, only the subject matter found in Applicant's Remarks, page 13 onward seems to touch on the merits of the claimed invention with respect to the Office Action-related use of references; and this response herein will thus be directed toward addressing the main points derived from the arguments set forward therein. As far as other explanations proffered by Applicant so to further clarify the extents of the invention (

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Appl. Rmrks, pg. 1-12), Examiner likes to point out that only what is claimed would be interpreted and prosecuted for merits against the teaching of known prior art; and all such material not directly related to the claims will not be of any weight unless they are geared toward evaluating the merits of the Office Action. In other words, the Applicant must discuss the references applied against the claims, explaining how the claims specifically avoid the references or distinguish from them.

**As per claims 1-13, 16-23, 26, 28-31 using Barnhouse et al.,**

(C) Applicant has submitted that ‘... Applicant has no need to overcome legacy problems ... Virtual Environments are custom end ... Because these are two different endeavors ... therefore would not be the same... specifically defined software objects that allow non-technical personnel ... creator over a competitor’ (Appl. Rmrks, pg. 14, 3<sup>rd</sup> para to pg. 16, top). In response, the limitations as recited in claims 1, 16, and 22 do not exhibit the features as put forward by the Applicant from the above section. The rejection as of now is directed to address the steps listed in the claims, e.g. namely in claim 1, the steps of populating, selecting, configuring, mapping and performing; and Barnhouse’s cited portions have been used to address those step limitations in light of the rationale using CIT-DEC reference to render some limitation obvious. Again, as far as Applicant’s argument that the references fail to show certain features of applicant’s invention, it is noted that the certain features upon which applicant relies (e.g. Virtual Environment, non-technical personnel, manipulate or destroy a given application, large geographic distances etc.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van*

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*Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner likes to emphasize on the fact that this last remark will be at the core of Examiner's observation in this action.

(D) Applicant has submitted that DEC-CIT uses a server node and a PBX, inter alia, in a traditional sense and does not teach preprogrammed software constructs (Appl. Rmrks, pg. 16, 2<sup>nd</sup> para). The DEC-CIT is set forth to provide the 'customizing the subset of preprogrammed objects with user-defined parameters' feature not explicitly shown by Barnhouse. The rejection as set forth has pointed out how the combination of DEC-CIT to Barnhouse would have rendered the customizing of preprogrammed constructs according to user's specification as obvious limitation, the motivation for which combination being laid out in the rejection. Applicant has not been particularly close in showing how such combination would be inappropriate with respect to the claimed feature, or how it would be teaching away from the purposes of the respective references used.

(E) Applicant has submitted that CALL PULL-BACK is not call processing, that Barnhouse is not doing CALL PULL-BACK, that CALL PULL-BACK is being set forth in Patent No. 6,088, 437 (Appl. Rmrks, pg. 17, bottom para, pg. 18, 2<sup>nd</sup> para; pg. 19, top para). Concerning the remark that CALL PULL-BACK is not call processing, this is an example showing that a claimed feature is not recited in specific enough a detail so to prevent it from being perceived as another feature. However, the rejection has been directed to show that CALL PULL-BACK only amounts to or is interpreted as being the step limitations as listed in the body of the related independent claims. When the claims do not provide a clear definition of what a limitation is all about, a reasonable and broadest interpretation would be given to that limitation, because although the claims are interpreted in light of the specification, limitations from the specification



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are not read into the claims. So CALL PULL-BACK has been interpreted as a mechanism by which all the steps as recited in the body of the claims are performed; and as long as Barnhouse in combination with DEC-CIT fulfill those limitations according to a prima facie case of obviousness, an appropriate rejection is established. Besides, nothing in Applicant's remarks has pointed the adverse effects of such combination; and being content with alleging that CALL PULL-BACK is not what the references disclose would not amount to decry how the claimed features distinguish over the cited portions of the references being applied in the rejection.

(F) Applicant has submitted that documentation of objects as 'drawing including defined parameters' would not be same as what Barnhouse is teaching (Appl. Rmrks, pg. 19, bottom para). Again, this type of remarks does not amount to clearly pointing out how the claimed feature as recited for interpretation by one skill in the art would distinguish from the references.

(G) Applicant has submitted that CALL PULL-BACK and packaging of preprogrammed objects as a consumer product would not be same as Barnhouse's teachings because Applicant has spent years in making this product different from competitors at the time (Appl. Rmrks, pg. 20, middle para; pg. 21, middle para; pg. 22, middle; pg. 23, middle). Again, these features ( e.g. consumer product) are not claimed therefore will not be addressed according to the last remark set forth in section (C ) above.

(H) Applicant has submitted that CALL PULL-BACK and packaging of preprogrammed objects as a consumer product would not be same as Barnhouse's teachings, that Applicant has spent years in making this product different from competitors at the time; and there would be no equivalency between Barnhouse's predetermined functions with CALL PULL-BACK (Appl. Rmrks, pg. 24, middle; pg. 25, bottom; pg. 26-28, middle, pg. 29, top). These arguments are

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mere allegation evolving around Applicant's view of his own invention and do not amount to addressing how the references as cited in the Office Action differ from what is actually recited in the corresponding claims. Thus, the Applicant fails to point out how what he perceives as his invention has overcome the rejection.

(I) The observations raised by Applicant (Appl. Rmrks, pg. 29-34) concerning claims 18, 19, 20, 21, 22, 23, 26 and 28 amount to the same approach exhibited in the previous pages of the Applicant's response and would be addressed using Examiner's reply as set forth in section E above. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. It is further reminded that to include a feature from a previously owned work as 'incorporated by reference' does not mean an automatic read of such feature in the claim. Such feature has to be explicitly claimed with distinguishing details to avert possibly unwanted and diverging interpretation from one skill in the art, i.e. the Examiner in this case.

(J) As far as arguments concerning claim 29, Applicant argues that Barnhouse doesn't need to keep records on end users (Appl. Rmrks, pg. 35, bottom para). As recited in claim 29, the record in question is interpreted as record of software objects being configured by the developers using the tool; and Barnhouse has disclosed such view of record. Besides, the claim does not explicitly call out how this record keeping would be so to clearly avoid the potential interpretation as effected by the Office Action.

(K) Applicant has submitted that Barnhouse does not teach verbiage spoken in an user's Virtual Environment (Appl. Rmrks, pg. 36, bottom para). As interpreted, spoken verbiage has

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been interpreted as some verbiage in a human spoken language that has been put on paper as in documentation. The claim again is not specific enough to prevent any undesirable effect against Applicant's purpose, such effect mostly due to a reasonable broad interpretation of the claim by the Office Action. In short, concerning averting such effect, further amendment to the claims is kindly suggested.

(L) Applicant has pointed out that Barnhouse does not disclose the limitation of claim 31 (Appl. Rmrks, bottom pg. 37). The feature concerning an end user being at the center of the documenting limitation is not claimed in details in order to avoid the interpretation as effected during the prosecution of the claim; hence Applicant's remarks amount to a mere assertion.

**As per rejection of claims 14-15:**

(M) The point raised by Applicants concerning Underwood's means to improve transport (Appl. Rmrks, bottom pg. 38, 39) do not amount to sufficient grounds to expose the deficiency of the combination as set forth in the rationale of the rejection. In other words, Applicant needs to provide specifics as to how the combined teachings as used as well as the motivation to combine Barnhouse, DEC-CIT and Underwood would be inappropriate, and so for what undisputable facts. Repeating that the references' teachings differ from the instant invention do not lead the Applicant to overcome the rejection.

Applicant mentioned about 'what is accomplished' as a factor determinant to the patentability of an invention (Appl. Rmrks, bottom pg. 40 to pg. 41). Again, the 'what is accomplished' purpose so alleged is not recited in the claim nor is it strongly inferred therefrom; hence Applicant's arguments amount to mere allegation without convincing the Office as to how the feature as claimed distinguishes over the prior art.

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**As per rejection of claims 24-25, 27:**

(N) Applicant has submitted that claim 24 and 25 have nothing to do with satellite trunk radio services for satellite communications (Appl. Rmrks, pg. 43). The claims as recited are not specific sufficiently to preclude the above applications. Besides, the feature about telephony disaster avoidance related to end-users does not appear to be found anywhere in claim 24, nor does the claim preclude or enforce any particular type of disaster.

(O) Applicant has submitted that claim 27 is about is toward allowing an user to trigger a concentrator to tear down an ATM cloud (Appl. Rmrks, pg. 44, bottom). It is noted that claim 27 does not recite those features and is interpreted according to what has been explicitly recited. Applicant again fails to point out why the cited portions used in the rejection would not match the features as they are exactly recited.

(P) As drawn from the above observations, the rejection will stand as rejected. It is urged that Applicant provide modifications to the claims in order to clearly evidence the distinguishing features of the invention vis-à-vis the references of record. Examiner likes to offer assistance or advice to Applicant in order for the above endeavor to gather better results, i.e. enabling the prosecution of the case to reach a more favorable condition toward allowance. Again, if Examiner can be of any advice or help, like providing directions on how to improve the claim language or format, or to establish an more effective response, Applicant is urged to contact Examiner within reasonable time frame according to the contact information listed in the Conclusion section ( Note: in the event that a new phone number is in place of the current Examiner's listed number, a automatic phone redirecting service would lead the caller to the right place).

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Also suggested is the use of an attorney as pointed out in section A above; and regarding who should be allowed to prosecute a case, Applicant is advised to go over sections § 1.31, 1.32, 1.34 of Patent Rules. Applicant is reminded of the time frame allotted to a response; and should time become an issue, appropriate effort will be given from the Examiner's part to assist Applicant with information or suggestion to timely circumvent any issue.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (703)305-7207. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662.

**Any response to this action should be mailed to:**

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9306 ( for formal communications intended for entry)

**or:** (703) 746-8734 ( for informal or draft communications, please label

“PROPOSED” or “DRAFT” – please consult Examiner before use)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington. VA. , 22202. 4<sup>th</sup> Floor( Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-3900.

VAT  
October 4, 2004



ANIL KHATRI  
PRIMARY EXAMINER